

09/938,227

01AB082/ALBR230US

REMARKS

Claims 1-34 are currently pending in the subject application and are presently under consideration. Claims 1-34 can be found on pages 2-8 of the Reply. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

II. Rejection of Claims 1-34 Under 35 U.S.C. §102(b)

Claims 1-34 stand rejected under 35 U.S.C. §102(b) as being anticipated by Joao (US 6,549,130). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Joao does not disclose each and every element set forth in applicant's claims.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "*each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

The claimed invention relates to a system that electronically locks the physical operation of dangerous equipment by analyzing electronic key data. The electronic key and lock system is used in place of physical locks on circuit breakers and the like. In particular, independent claim 1 as amended (and similarly amended independent claims 18, 29, and 34) recites *an electronic key data analyzer that analyzes the read electronic key data by determining parameters for disabling the dangerous equipment*. Joao does not teach or suggest such claimed aspects.

In the subject Office action, the Examiner, by referencing the arming device and CPU of Joao, incorrectly asserts that Joao teaches an electronic key data analyzer that analyzes the electronic key data and determines parameters for disabling the dangerous equipment. Rather, Joao relates to an anti-theft system that enables an authorized user to disable a vehicle remotely by sending a disable code if it is stolen. (See Summary). In particular, the arming device of Joao is used to arm or activate the anti-theft apparatus. After arming, if the vehicle ignition system is activated, a password must be entered through the activation device within a specified time period to prevent the vehicle from being disabled. (See col. 42, line 45 – col. 44, line 13). Thus,

09/938,227

01AB082/ALBR230US

Joao discloses the matching of an inputted pass code with a predetermined or programmed pass code of the apparatus and is silent regarding the determination of parameters for disabling the dangerous equipment.

Joao nowhere discloses determining parameters for disabling the vehicle and, instead, sends a signal to deactivate the vehicle or vital vehicle systems. Parameters for disabling the dangerous equipment include *an optimal time to disable the dangerous equipment* (claim 18), *a status of one or more pieces of dangerous equipment, a status of one or more pieces of related equipment and an identity of the dangerous equipment* (claim 29), and *a technique for disabling the dangerous equipment* (claim 34). For example, when a technician swipes the electronic key to perform maintenance of a piece of dangerous equipment, the electronic key analyzer will determine the proper time to disable the dangerous equipment by looking at the status of the dangerous equipment and other related equipment. The electronic key analyzer will also determine how to disable the dangerous equipment. For instance, if the dangerous equipment is an industrial saw operating at maximum RPM, the electronic key analyzer can determine that shutting off power is not the proper way to disable the equipment and instead create data to gradually decrease the operation of the equipment. Further, if the dangerous equipment is a part of a critical process comprised of several pieces of equipment, the electronic key analyzer can analyze the status of the related process equipment to determine when the dangerous equipment should be disabled so as to minimize disruption of the critical process. Joao fails to disclose, teach or suggest such novel aspects of the subject invention.

In view of the at least the foregoing, it is readily apparent that Joao does not teach or suggest each and every limitation as recited in independent claims 1, 18, 29 and 34 (and the claims that depend there from). Accordingly, it is respectfully requested that this rejection should be withdrawn.

09/938,227

01AB082/ALBR230US

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ALBRP230US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

AMIN & TUROCY, LLP



Himanshu S. Amin

Reg. No. 40,894

AMIN & TUROCY, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731